761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: April 10, 2002

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
TRAINING DIVISION

TO: CHARLES S. HEAL, CAPTAIN
SPECIAL ENFORCEMENT BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, JUNE 21, 2001, IAB REVIEW #2038321**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on June 21, 2001.

The Committee met on April 8, 2002, and consisted of myself, Commander David Betkey (Commander of the Department) and Commander Cathy Taylor (Commander of the Department). The Committee determined that the use of force by Deputies Clarence Gallegos #[redacted] William Murray #[redacted] Michael Wilber #[redacted] Fred Keelin #[redacted] and James Corrigan #[redacted] was within Department policy. **Please advise the deputies of this finding.**

RLC:KRK:kk

Table of Contents

Los A eles County Sheriff's Dep nent

Officer Involved Shooting

Report Date: June 21, 2001	Bureau/Station/Facility: Special Enforcement Bureau	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 001-00081-3199-055	Date: June 21, 2001 — Time: 0210 hrs
City or Station: Baldwin Park	Nature of Incident: Suspect Gutierrez barricaded himself in his van on the freeway after committing an armed robbery, attempted murder of a police officer and after being involved in a high speed pursuit. The suspect was shot and wounded by members of the swat team after he pointed a handgun at them.
Location: E/B 10 Freeway at Frazier Avenue, Baldwin Park	

Location Type (*circle one or more*): Backyard, Beach, Business, **Freeway** (circled), Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): **Darkness** (circled), Daylight, Other, Street Lights

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 30 yards

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service

Other: barricaded suspect

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, **Other** (circled), Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, **Other** (circled), Routine Patrol

Total # of Shots Fired by Deputy: 8

Total # of Shots Fired by Suspect: 10

Aero Unit? ☒ Canine Unit? ☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	Gallegos	Clarence		EM **PM** Day	Regular **Overtime** Off Duty
[redacted]	Murray	William		EM **PM** Day	Regular **Overtime** Off Duty
[redacted]	Wilber	Michael		EM **PM** Day	Regular **Overtime** Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.		
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(circle one or more)
[redacted]	Kubly	Rod		On Duty; Present during shooting; **Witness to shooting** (circled); Involved in shooting
[redacted]	Ewell	Jack		On Duty; **Present during shooting** (circled); Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Evans	Daryl	

PSTD Use Only

SH # ______

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
June 21, 2001	0255	Jan. 31, 2002	

Employee #	Last Name	First Name	M.I
[redacted]	Reyes	Henry	
[redacted]	Morejon	Elier	
[redacted]	Glover	Willa	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	ZZ	9			NN	
S#1	E#2	FH	ZZ	9			NN	
S#1	E#3	FH	ZZ	9			NN	
E#1	S#1	FH	HK	9	Y	Y	GS	BK
E#2	S#1	FR	CO	23	Y	Y	GS	HE
E#3	S#1	FH	HK	9	Y	Y	GS	BK
E#1	S#1	FB					NN	
E#4	S#1	TG					NN	
E#5	S#1	TG					NN	

Officer Involved Shooting
Involved Employee Information

URN: 001-00081-3199-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Gallegos	First Name: Clarence	M.I.
Sex: M Race: H	Rank: B-1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Black Team
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): Regular (Overtime) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 509	Weight: 180		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ — Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name: Murray	First Name: William	M.I.
Sex: M Race: W	Rank: B-1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Black Team
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): Regular (Overtime) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 510	Weight: 195		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] — Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 3

Employee # [redacted]	Last Name: Wilber	First Name: Michael	M.I.
Sex: M Race: W	Rank: B-1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Black Team
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): Regular (Overtime) Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 602	Weight: 210		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ — Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Involved Employee Information

URN: 001-00081-3199-055

Involved Employee

E 4

Employee # [redacted]	Last Name Keelin	First Name Fred	M.I.
Sex: M Race: W	Rank B-1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Tan Team
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 601	Weight: 200		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E 5

Employee # [redacted]	Last Name Corrigan	First Name James	M.I.
Sex: M Race: W	Rank B-1	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Blue Team
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 601	Weight: 200		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

Suspect Information

S__

Last Name: Gutierrez		First Name: Santiago	M.I.: G
AKA Last Name:		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 38 D.O.B. 9-12-62	Height: 507 Weight: 175	FBI #: [redacted]	CII #: [redacted]
Booking #: 6918373	Primary Charge: 664/187	Secondary Charge: 211	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: CHEVROLET		Model: VAN	Year: 2000

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name	M.I.	
Street Address	Zip Code	Work Ph	Home Ph

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Kubly	Rod	R	130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Evans	Daryl		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Ewell	Jack		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Moore	Jeff		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Riggin	Jeff		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Harrell	James		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Wilkerson	Gary		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
O'Sullivan	Dave		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Baclawski	Joseph		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Ruiz	Steven		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Velasquez	Sal		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Chase	Bruce		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Garay	Ralph		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	
Bones	John		130 S. Fetterly Ave., Los Angeles	90022	323-264-7084	

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

February 25, 2002

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Merriman:

Re: J.SI.D. File # 01-0526
L.A.S.D. File # 001-00081-3199-055

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 21, 2001 on-duty non-fatal shooting of Santiago Gutierrez by Los Angeles County Sheriff's Deputies Clarence Gallegos, William Murray, and Michael Wilber. We have concluded that Deputies Gallegos, Murray and Wilber acted lawfully in self-defense and defense of others.

The following analysis is based on Los Angeles County Sheriff's Department Homicide Bureau reports totaling 151 pages, an examination of the shooting scene and autopsy photographs related to the shooting, statements of witnesses at the scene, and our own Bureau of Investigation reports.

The District Attorney's Command Post was notified of this shooting on June 21, 2001 at 2:35 a.m. Assistant Head Deputy John Gilligan and Senior Investigator [redacted] responded immediately to the scene on the eastbound San Bernardino Freeway in Baldwin Park. We were briefed and given a walk-through of the scene by Sheriff's Homicide Detective Stephen Davis.

FACTUAL ANALYSIS

On June 20, 2001, at approximately 3:30 p.m., Santiago Gutierrez drove into a Mobil station at 12670 Ramona Boulevard in the city of Baldwin Park. He approached Linda Voshihara, a customer, at one of the pumps and demanded her gas card, saying he would shoot her if she did not comply. Gutierrez was armed with what victim Linda Voshihara described as a machine gun. Gutierrez repeatedly told her to, "Turn the fucking pump on, bitch!" Apparently the victim was not complying fast enough for Gutierrez who then

Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012-3210
WEBSITE: http://www.co.la.ca.us/da

fired a round into the air. Voshihara attempted to calm Gutierrez by telling him that she was a social worker for the county. This had the opposite effect on Gutierrez who then said, "You work for the County, I ought to shoot your ass right now!"

Gutierrez then ordered Voshihara into his van. She refused and ran into the gas station, as did her passenger. The attendant, having heard the conversation over the intercom, told Gutierrez to go ahead and fill his car as the attendant had turned on the pump. The attendant also called 911. Gutierrez filled his van with twenty gallons of gas and left while brandishing his Intratec Tec-9 assault pistol at another motorist entering the gas station.

California Highway Patrol Officer [redacted] was the first officer to respond. Officer [redacted] observed the van near the Mobil Station and followed it while waiting for assisting units to arrive. At he intersection of Beth and Athol streets in Baldwin Park, Gutierrez fired three rounds at Officer [redacted] A few minutes later, near the 3800 block of Durfee Avenue, Gutierrez fired four more rounds at Officer [redacted] [redacted] was not struck by any of the rounds.

What followed was a four and one-half hour high-speed chase through Los Angeles, San Bernardino and Riverside Counties. Gutierrez's vehicle reached speeds of over one hundred miles-per-hour on the freeway and over eighty miles-per-hour on surface streets. The pursuing officers lost track of the number of stop signs and red lights that were ignored by Gutierrez. The chase was broadcast live by several television stations.

During the remainder of the chase, Gutierrez fired at pursuing officers on three separate occasions. At approximately 3:40 p.m., while near the intersection of Bess Street and Magnum Avenue in the City of Baldwin Park, Gutierrez fired three to four rounds at Baldwin Park Detectives [redacted] [redacted], and Sergeant [redacted] all of whom were driving in the same vehicle equipped with activated lights and siren.

At approximately 5:45 p.m., near the intersection of Park View Summer Drive and Francisquito Drive in Baldwin Park, Gutierrez fired two rounds at California Highway Patrol Officer [redacted] [redacted] was driving the lead vehicle in the pursuit at that time. Officer [redacted] saw Gutierrez aiming his pistol at him. Neither Officer [redacted] nor his vehicle was struck by any of the rounds.

At 7:40 p.m., near the intersection of the 71 freeway and the San Bernardino Freeway in the City of Pomona, Gutierrez fired twice at California Highway Patrol Officer [redacted] Officer [redacted] saw Guteierrez point the Tec-9 at him and fire twice. Officer [redacted] ducked below the dashboard and swerved to avoid being hit. Neither the officer nor his vehicle was struck by any of the rounds.

During the pursuit, Gutierrez was seen talking on a cell phone by pursuing officers and by the television crewmembers in the news helicopters following the pursuit. Gutierrez called a [redacted] named [redacted] She called the Baldwin Park Police when she heard what was occurring and saw the pursuit on television. When Baldwin Park officers went to her home and talked to Gutierrrez, he told them that he wanted to die and "to take some cops with him." Gutierrez then hung up and would not pick up the cell phone when they called. Ms. [redacted] told the Baldwin Park officers that Gutierrez was having marital and financial problems and that Gutierrez and his [redacted] were being evicted from their home.

At approximately 8:00 p.m., as the van was traveling eastbound on the San Bernardino Freeway between Frazier Avenue and the Bess Avenue pedestrian over-crossing, it ran out of gas and rolled to a stop in the number five lane. California Highway Patrol officers who had been in pursuit ordered Gutierrez out of the van using the public address system in their patrol cars. When Gutierrez refused to come out, the Highway Patrol requested the assistance of Los Angeles County Sheriff's Special Enforcement Bureau in resolving the standoff.

By 9:20 p.m. the Los Angeles County Sheriff's Department took over responsibility for the incident. The Special Enforcement Bureau deployed in strategic positions around the van. Utilizing a robot, a crisis negotiator and the S.E.B. sent Gutierrez a cell phone. Gutierrez spoke briefly on the cell phone and stated that he was not coming out of the van alive. At approximately 10:50 p.m. Gutierrez threw the phone out of the van. There was no further direct communication with Gutierrez after that. At approximately 11:02 p.m., using the front door of the van, he knocked over the robot that had delivered the cell phone.

At 11:10 p.m., S.E.B. deputies reported hearing the sound of a gunshot and observed glass fly from the front windshield of the van. No one was injured and no projectile was recovered.

Two larger robots were obtained by the S.E.B. deputies. One was sent to the driver's side of the van with another cell phone in an attempt to make contact with Gutierrez. He would not pick up the phone. At approximately 12:55 a.m. the decision was made to use the two robots to block the doors of the van. Approximately twenty minutes later, Gutierrez pointed a pistol out the window of the van and threatened to shoot the robots.

At approximately 1:30 a.m., the decision was made to shoot a tear gas round into the van in an effort facilitate Gutierrez's surrender. it should be noted that at this point the entire eastbound San Bernardino Freeway had been closed for approximately five and one-half hours due to the standoff. The tear gas round entered the van, shattering the passenger side window.

Approximately one minute later, Gutierrez looked out through the broken window and then pointed his assault pistol in the direction three of S.E.B. deputies who were

positioned to the rear of the van. Deputy Bill Murray was in the turret of an Armored Response Vehicle, a military styled armored car with a gun turret. In response, Deputy Murray fired three rounds from his AR-15 rifle at Gutierrez. Deputies Mike Wilber and Clarence Gallegos were positioned behind the van. Both were armed with MP-5 submachine guns. Gallegos and Wilber each fired two rounds at Gutierrez. Gutierrez, who had been struck by the gunfire, was observed moving around and appeared to be wiping blood from his face.

Approximately fifteen minutes after the deputies first fired at Gutierrez, another round of tear gas was fired into the van. There was no reaction by Gutierrez. The time was now approximately 2:00 a.m. Five minutes later another gas canister and a flash bang grenade were fired into the van. Gutierrez was heard yelling and coughing and could be seen moving about after the tear gas canister and flashbang impacted inside the van.

At approximately 2:06 a.m., S.E.B. deputies observed what appeared to be the Tec-9 used by Gutierrez outside the rear of the passenger side of the van. The deputies decided to fire one more flashbang and use that as a diversion to open the van. The grenade was exploded and the deputies attempted to open the door of the van. The door was secured from the inside with a leather belt and a pair of handcuffs. The deputies used bolt cutters to cut through the handcuffs and enter the van. Guttierez was removed and waiting paramedics begin to treat his wounds.

Gutierrez was struck twice by gunfire. One was a non-life threatening through and through gunshot wound on his right side towards the back. A second gunshot, which entered Gutierrez's head above his right ear, remains lodged under his left eye. Neither of the rounds that struck Gutierrez were recovered for any firearms testing or comparison. Gutierrez survived his wounds but is paralyzed on the left side of his body. He remains in County-U.S.C. Medical center where his condition is listed as fair.

The Los Angeles County District Attorney's office charged Gutierrez with six counts of attempted murder of a peace officer in Case # KA052977. There is a pretrial conference on February 28, 2002 in Department N of the Pomona Branch Superior Court.

CONCLUSION

According to the law in the State of California, the use of deadly force in self-defense or in the defense of others is justifiable if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she, or the person who he or she was defending, was in imminent danger of death or great bodily injury; and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury.

When S.E.B. Deputies Wilbur, Murray and Gallegos fired their weapons at Mr. Gutierrez, they were clearly in danger of being shot by an armed suspect who they knew had already fired his Tec-9 pistol numerous times at other officers during a high-speed chase. Additionally, Gutierrez had specifically stated that he was not coming out of the van alive and that he wanted to take some cops with him. The Los Angeles Sheriff's Department clearly showed a great deal of restraint in dealing with an extremely dangerous suspect whose actions closed down one of the busiest freeways in the state of California. The actions of Deputies Wilbur, Gallegos and Murray were clearly in self-defense and defense of others. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

JOHN FRANCIS GILLIGAN
Assistant Head Deputy
(213) 974-7435

c: Deputy Clarence Gallegos, Serial # [redacted]
Deputy Michael Wilber, Serial # [redacted]
Deputy William Murray, Serial # [redacted]